

HOUSE BILL 522

By Rich

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 16, Part 6, relative to the offense of
escape.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-16-605, is amended by deleting subsection (b), adding the following new subsections, and redesignating accordingly:

(b)

(1) A person commits the offense of escape who is in the lawful custody of a law enforcement officer and knowingly escapes such custody.

(2) As used in this section, "lawful custody" means a person has been taken, seized or detained by a law enforcement officer either by handcuffing, restraining or any other method by which a reasonable person would believe places such person in custody and which otherwise deprives the person's freedom of action in a significant way.

(c)

(1) A violation of subsection (a) is:

(A) A Class A misdemeanor if the person was being held for a misdemeanor or civil offense; and

(B) A Class E felony if the person was being held for a felony.

(2) A violation of subsection (b) is a Class A misdemeanor.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.